

**UNITED STATES  
DISTRICT COURT**  
SOUTHERN DISTRICT OF CALIFORNIA  
SAN DIEGO DIVISION

**# 154619 - TC**

**September 02, 2008  
16:36:43**

**Habeas Corpus**

USAO #.: 08-1067

Judge...: THOMAS J WHELAN

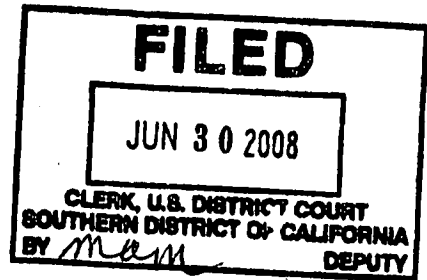
Amount.:

**\$5.00 00**

Check#.: 189-070554

**Total-> \$5.00**

**FROM: MARSH VS ALMAGER**



UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

ROOSEVELT MARSH, III,  
Petitioner,  
v.  
V. M. ALMAGER, Warden,  
Respondent.

Civil No. 08-1067 W (CAB)

**ORDER DENYING IN FORMA  
PAUPERIS APPLICATION AND  
DISMISSING CASE WITHOUT  
PREJUDICE**

Petitioner, a state prisoner proceeding pro se, has not paid the \$5.00 filing fee and has filed a Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254. He has also filed a signed copy of his Prison Certificate and copy of his prison trust account statement, which this Court construes as a request to proceed in forma pauperis. Petitioner's trust account statement reflects a \$13.69 balance. The filing fee associated with this type of action is \$5.00. See 28 U.S.C. § 1914(a).

It appears Petitioner can pay the requisite filing fee. Accordingly, the Court **DENIES** the request to proceed in forma pauperis, and **DISMISSES** the case without prejudice; Petitioner may submit a copy of this order along with the requisite fee no later than August 25, 2008, to have the case reopened.

**IT IS SO ORDERED.**

DATED: 6/30/08

  
Thomas J. Whelan  
United States District Judge